



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Board of County Commissioners

November 3, 2005

9:30 AM

Commission Chamber

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**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

Legislative Analysis

**Board of County Commissioners
Meeting Agenda**

November 3, 2005

Written analyses for the below listed items are attached for your consideration in this Legislative Analysis.

Item Number(s)

7(I)	7(L)
7(M)	7(N)
7(O)	7(P) and 7(P) alt.
7(Q)	7(R)
7(S)	8(A)(1)(B)
8(A)(1)(C)	9(G)(1)(A)
11(A)(1)	11(A)(2)
11(A)(3)	

Additional information for the below listed items are attached for your consideration in this Legislative Analysis.

7(G)	8(A)(1)(A)
8(M)(1)(A)	

If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Chief Legislative Analyst, at (305) 375-5469.

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LEGISLATIVE ANALYSIS

ORDINANCE REPEALING SECTION 2-11.17 OF THE CODE RELATING TO RESIDENCY REQUIREMENTS.

Commissioner Sally A. Heyman
Commissioner Natacha Seijas
Commissioner Katy Sorenson

I. SUMMARY

This Ordinance amends Section 2-11.17 of the Code of Miami-Dade County, Florida, as amended by Ordinance No. 05-88, but authorizes the County Manager to waive the residency requirement when the available labor market does not provide qualified candidates.

II. PRESENT SITUATION

Section 2-11.17 of the Code, relates to the residency requirement for new County employees, providing a 15-month deadline for new hires to establish residency in Miami-Dade County. This section does not apply to employees hired prior to the adoption of the Ordinance in 1999.

The Employee Relations Department (ERD) publishes the residency requirement in all employment advertisements and a covenant is signed by prospective employees and notarized during their processing. Employees who do not establish residency before the deadline may be dismissed.

The County Manager is authorized to waive the residency requirement for humanitarian reasons and must submit a list of granted waivers to the Commission on a quarterly basis. A Residency Waiver Committee reviews each application on a case-by-case basis, and then forwards their recommendations to the Manager. According to ERD, only 33 requests for waivers have been received since the inception of the residency requirement.

Presently, all sworn classifications within the Corrections & Rehabilitation Department, Miami-Dade Fire Department and Miami-Dade Police Department are exempt from the residency requirement. The Aviation Department may hire non-county residents only for the Dade-Collier Training and Transition Airport. The Building Department may hire plans examiners and building inspectors in all trades who reside in Broward County.

III. POLICY IMPLICATIONS

This Ordinance **does not** repeal the residency requirement, but authorizes the County Manager to waive the residency requirement when the available labor market does not provide qualified candidates.

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

- Monroe, Broward and Palm Beach Counties do not have a residency requirement.
- According to the Employee Relations Department, they have encountered problems with recruitment in the areas of auditing, financial, information technology and engineering trades with the current residency requirement in place.
- Number of waivers requested since 1999: 33;
- Number of waiver requests granted: 22
 - These waiver requests were granted for humanitarian reasons. (For example, taking care of an elderly or ill spouse or parent, special education needs of a child.)
- Number of waivers denied: 11
 - These waiver requests were denied because financial hardship is not a humanitarian reason.
- Number of employees who resigned in lieu of dismissal for non-compliance: 9;
- Number of employees who relocated to Miami-Dade County: 173.

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ADDITIONAL INFORMATION

[illegible]

LEGISLATIVE ANALYSIS

ORDINANCE RELATING TO ZONING REGULATIONS FOR DOWNTOWN KENDALL URBAN CENTER DISTRICT; MODIFYING SECTION 33-284.61 REGULATING PLANS; AMENDING SECTION 33-284.63 ADDITIONAL PARAMETERS PERTAINING TO PERMANENT POINT OF SALE SIGNS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Department of Planning & Zoning

I. SUMMARY

Proposed ordinance would amend the street frontage plan and point of sale signs for the Downtown Kendall Urban Center District.

II. PRESENT SITUATION

Long before the 1998 design workshop known as the Downtown Kendall Charette was conducted for the Dadeland area, the Miami-Dade County Department of Planning and Zoning (DP&Z) envisioned utilizing urban centers as a tool for promoting “smart growth” to build sustainable communities and protect the natural environment.

Since that time, urban centers have been proposed along present and future transit corridors (see attachment) as a means of directing and encouraging growth along the same pathway. They tend to be areas densely populated and diversified in use and may include among other things retail, restaurants, hotels, institutions, moderate to high density residential uses and well planned public spaces. The Comprehensive Development Master Plan (CDMP) states, " Diversified urban centers are encouraged to become hubs for future development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve" (CDMP, page I-38).

The County utilizes three types of urban centers based on intensity and size of the area:

1. Regional Centers – the downtown Miami central business district (the largest and also the only one designated in the County)
2. Metropolitan Centers– an example of which is Downtown Kendall
3. Community Centers – such as Naranja, Princeton and Goulds

“Regional and Metropolitan Centers shall accommodate a concentration and variety of uses and activities which will attract large numbers of both residents and visitors while Community-scale Urban Centers will be planned and designed to serve a more localized community” (CDMP, page I-38).

In 2000, Miami-Dade County Board of County Commissioners approved the Downtown Kendall Urban Center District as the first codified Metropolitan urban center. Since its approval, however, amendments have been deemed necessary by the Board due to unforeseen site restrictions and conflicts with other counties and State code.

III. POLICY CHANGE AND IMPLICATION

This ordinance would amend the following sections of the code:

Section 33-284.61

- Would allow for a service road designation, changing a “B” street to a “D” street on a property south of Kendall, east of the Palmetto.
- Changing specific street designations on a parcel west of the Dadeland South metro-rail station:
 - one from a “B” street to that of an “A” and “C” street, and
 - the other from a “D” street to that of a “C” street.

Section 33-284.63

- Allowing for larger point of sale wall signs in the Edge Sub-District north of Snapper Creek Canal and East of U.S. Highway 1 due to buildings being set back farther from the highway.

According to staff, the street designation changes and larger signage allows the developer better flexibility in the development of the site when applying urban center standards.

Furthermore, the larger signage requested for Section 33-284-63 is utilized in other sections of the Code.

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

Future development in previously approved urban centers and districts like Downtown Kendall, Naranja, Princeton and Goulds may initiate the need for additional and similar modifications. According to staff, the modifications are triggered by the site, and code conflicts with other counties and the State and it is not possible to predict the necessary changes at the time of codification of each urban center and/or district.

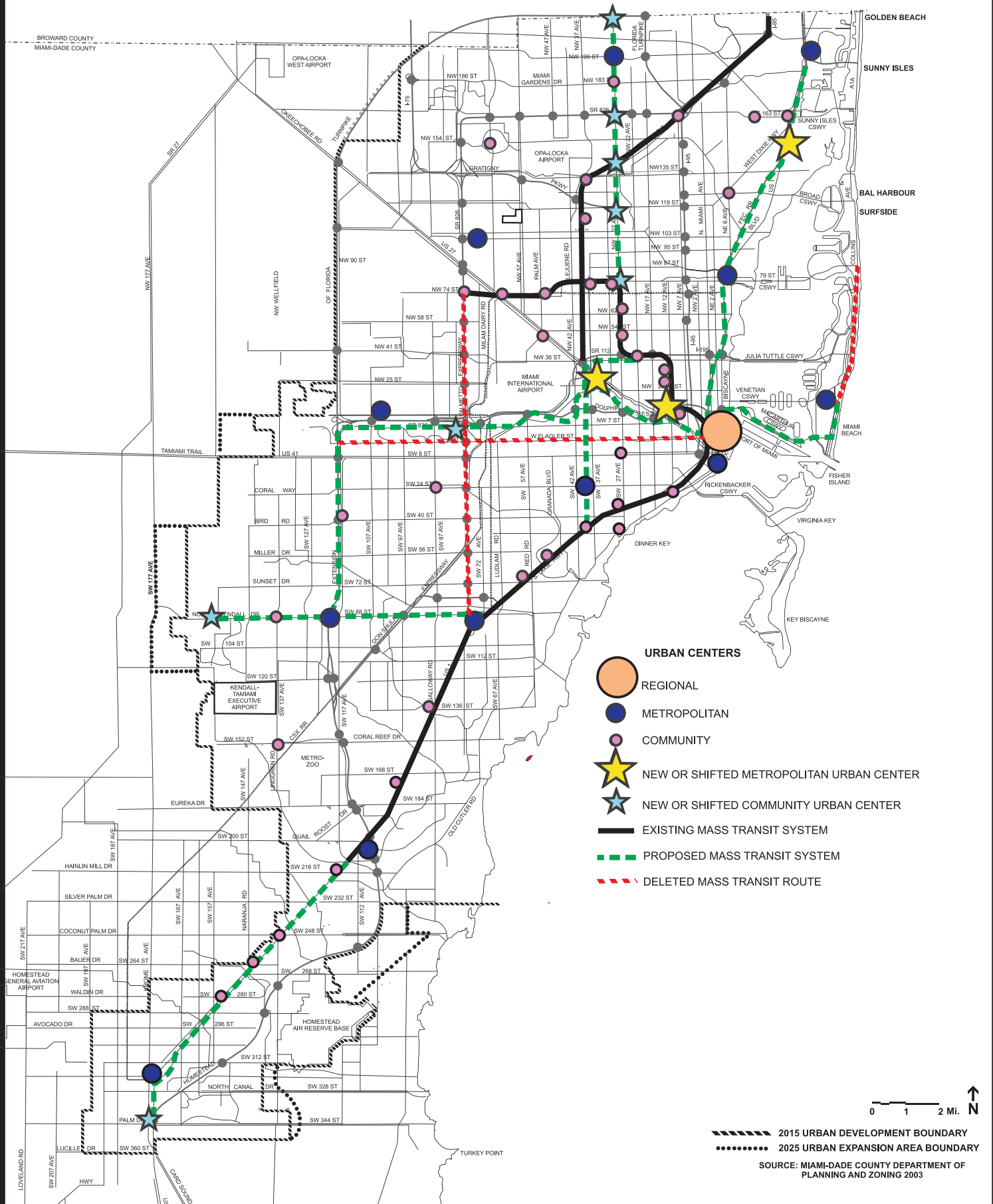


Figure B
**EXISTING AND PROPOSED
 COUNTY-WIDE URBAN CENTERS**

**DEPARTMENT OF
 PLANNING AND ZONING**

LEGISLATIVE ANALYSIS

ORDINANCE APPROVING THE SPECIAL SEWER CONSTRUCTION CONNECTION CHARGE FOR BUILDINGS AND PROPERTIES WITHIN A CERTAIN AREA OF BRICKELL VILLAGE

Water and Sewer Department

I. SUMMARY

The proposed ordinance provides for the expansion of the local neighborhood sanitary sewers in the Brickell Village area. Approval of this ordinance will allow the construction of special sewer connections to buildings and properties within a certain area in Brickell Village.

II. PRESENT SITUATION

- The Water and Sewer Department (WASD) has determined that new and improved sewer connections are necessary for providing sufficient capacity for the anticipated growth in the respective Brickell Village area.

III. POLICY CHANGE AND IMPLICATION

- The department will design and construct the new facilities with its own funds.
- The department will be reimbursed later by collecting a pro-rata share of the cost from each property owner receiving new or improved sewer service in the area. The respective WASD customers will each pay a one-time fee for the special construction connection.

IV. ECONOMIC IMPACT

- The cost of the new facility is currently estimated at \$1,282,000.00.
- WASD will collect payments for reimbursement at a rate of \$4.44 per each average daily gallon.
- WASD's charge for the Brickell Basin Sewer Construction project is determined by dividing the total estimated cost of the new sewer facility (\$1,282,000.00) by the total estimated flow capacity of 288,739 gallons per day which results in **\$4.44 per gallon.**

V. COMMENTS AND QUESTIONS

(*Answers to the Questions below have been provided as a result of correspondence with the Water and Sewer Department.)

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1. This ordinance provides a specific rate at which the County will collect \$ 4.44 per each average daily gallon. If the cost of the project increases beyond \$1,282,000, will the County be caught paying the difference?

The Miami-Dade Water and Sewer Department is funding the project in its entirety. The special construction connection charge will be imposed only for additional or new sewer capacity at a rate of \$4.44 per gallon. It is a one-time charge. The Department will continue to charge the special construction connection charge as appropriate until the Department is reimbursed for the cost of the project.

2. What can be done if the project cost more than anticipated or a shortfall occurs due to the rate we are charging?

The ordinance can be amended to reflect revised cost estimates or actual construction costs.

3. Is there an estimate on the number of residents that will populate the area?

No, the Department does not have an estimate on the number of residents that will populate the area. However, the Department estimates that there will be an additional 1440 units at 200 gpd (gallons per day).

4. Is there an estimate on how much the average resident will use a day?

The Department estimates that there will be an additional 1440 units at 200 gpd (gallons per day). The special construction connection charge will be imposed only for additional or new sewer capacity at a rate of \$4.44 per gallon.

5. How long before this area fully reimburses the County the \$1,282,000?

The gravity sewer lines are being constructed to provide sewer capacity for anticipated growth in the area. Reimbursement of costs to the Department will take place as increased or new service is requested.

6. The item states that the BCC has approved similar special construction connection agreements in the past that have taken place by Ordinance No. 85-21 (re: 8TH Street and Brickell) and Ordinance 03-95 (re: vicinity of Downtown Kendall).
 - o Have we encountered any issues with these agreements?

The BCC did approve similar ordinances for 8th Street and Brickell and Downtown Kendall. Both projects were a success. In the case of the Downtown Kendall, the ordinance is being amended to meet actual construction costs.

LEGISLATIVE ANALYSIS

ORDINANCE AMENDING THE COUNTY'S EXPEDITE PROGRAM FOR CAPITAL CONSTRUCTION, PROVIDING THAT THE PROGRAM SHALL BE REPEALED IN THE EVENT OF AN AMENDMENT TO THE COUNTY CHARTER MODIFYING THE RELATIVE POWERS, DUTIES OR OBLIGATIONS OF THE MAYOR, THE BOARD OF COUNTY COMMISSIONERS, OR THE MANAGER; REPEALING SUNSET PROVISIONS; AMENDING SECTION 2-8.2.7 OF THE CODE OF MIAMI-DADE COUNTY AND ORDINANCE NO. 05-155; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

County Manager

I. SUMMARY

Section 1 of this ordinance provides for an automatic repeal of the Capital Improvement Expedite Program if the voters approve any amendment to the County Charter which affects the powers of the Commission, the Mayor, or the Manager to award contracts.

Section 2 repeals the sunset provision of the Capital Improvement Expedite Program, currently scheduled to sunset in January 2006.

II. PRESENT SITUATION

The Expedite Ordinance provides authority for the Manager to advertise and award certain capital construction contracts under Safe Neighborhood Parks, Quality Neighborhood Initiative, Annual Proposed Capital Budget, Building Better Communities, Transportation Improvement Plan, and other programs.

III. POLICY CHANGE AND IMPLICATION

The repeal of the sunset provision for the Expedite Ordinance continues County policy of providing an expedited manner for the Manager to negotiate and award non-controversial capital improvement projects, with previous Commission approval, for certain projects.

The automatic repeal of the Expedite Ordinance prevents the Manager from utilizing the Expedite Ordinance if the power of approval of contracts is transferred from the Commission to the Mayor upon voter approval of a Charter amendment, such as the Strong Mayor Proposal.

IV. ECONOMIC IMPACT

The Manager's report states that a sunset of the Expedite Ordinance will cost \$1 million more in staff time and project costs.

V. COMMENTS AND QUESTIONS

Earlier this year, Citizens for Reform PAC sponsored a petition to amend the Charter to create an Executive Mayor for Miami-Dade County. Voter approval of the Strong Mayor Proposal will result in the transfer of executive power from the Commission to the Mayor. This Strong Mayor Proposal was struck off the ballot by Circuit Judge Genden on August 10th (Case No. 05-11996). Citizens for Reform PAC has filed its notice of appeal (Case No. 3D05-2168).

A separate petition from Citizens for Reform PAC sought to amend Sec. 4.03D of the Charter, to transfer final approval of a procurement contract from the Commission to the responsible department director. That petition did not secure enough signatures by the 60 day deadline. Regardless of the failure of the procurement petition, the administration of competitive bidding might be considered an executive power, which would transfer to the Mayor under the Strong Mayor Proposal.

If the Strong Mayor Proposal is ever approved by the voters, the Commission still retains power to adopt ordinances and resolutions which place restrictions on the procurement process in general. However, the Commission might not retain the power to authorize a specific RFP, or to award a specific contract to a bidder of its own choosing (even by waiving competitive bidding). The Commission might retain only the Sec. 4.03D power over specific contracts to approve or reject the final contract award, as submitted by the Mayor.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

*AMENDMENTS TO SECTION 2-11.16 OF THE MIAMI-DADE COUNTY CODE,
RESPONSIBLE WAGES AND BENEFITS ON COUNTY CONSTRUCTION
CONTRACTS.*

Department of Business Development

I. SUMMARY

This ordinance amends Section 2-11.16 of the Miami-Dade County Code regarding Responsible Wages and Benefits on County Construction Contracts. The amendments would ensure that laborers and mechanics receive responsible wages by closing loopholes in the current code and would provide stiffer penalties for contractors who do not abide by the revised Code.

II. PRESENT SITUATION

According to Section 2-11.16 of the Miami-Dade County Code, bidders who are awarded County construction contracts in excess of \$100,000 must pay laborers and mechanics a base hourly rate outlined in the negotiated contract plus health and pension benefits. The section was amended on July 23, 2002, to provide an annual review and increase in the required base salary for construction workers on County contracts.

While the intention of this section of the Code is to ensure prompt and proper payment of laborers and mechanics working on County contracts, the current language of the code allows for contractors to circumvent paying laborers a responsible wage by allowing the contractor to set aside a large portion of the hourly wage for benefits.

III. POLICY CHANGE AND IMPLICATION

The amendments to the Code would:

- Require the payments of wages to construction workers on county construction contracts not be less than the base hourly rate set forth in the contract;
- Requires the payment of wages be in the form of check and/or money order;
- In the event of underpayment, the contractor – if a first-time offender – will pay the construction worker 10 percent of the underpayment plus any back pay. This fee increases to 20 percent for a second violation and 30 percent upon the third violation. Upon the fourth violation the contractor will be recommended for a mandatory debarment for a period no less than three years;
- Require that bidders comply with payments of back wages on previous contracts prior to the award of the future contracts;
- Directs the County Manager to establish an administrative procedure to monitor and enforce Sect. 2-11.16 of the Code.

IV. ECONOMIC IMPACT

This should not have a fiscal impact on the County.

V. COMMENTS AND QUESTIONS

- The Memo states that this “**should** not pose a fiscal impact to the County.” Under what circumstances could this pose a fiscal impact?
 - According to staff, the County awards contracts to the lowest responsible, responsive bidder. It could be argued that the bids may rise because employees potentially may be entitled to more money if a contract lasts multiple years. Accordingly, a bidder may increase his bid in anticipation of a higher cost to do the work.
- How would the County handle the “Enforcement Across Contracts?”
 - According to staff, “Enforcement Across Contracts” essentially allows the County not to award a new contract to a firm if an outstanding violation exists under a current contract. The language in this Ordinance provides the County with more efficient enforcement capabilities.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

7(P) ORDINANCE PERTAINING TO CHAPTER 21 OF THE CODE; CREATING ARTICLE XVII WITH REGARD TO SEXUAL OFFENDERS AND SEXUAL PREDATORS.

Commissioners Jose “Pepe” Diaz, Bruno A. Barreiro,
and Senator Javier D. Souto

7(P) Alt. ORDINANCE PERTAINING TO CHAPTER 21 OF THE CODE; CREATING ARTICLE XVII WITH REGARD TO SEXUAL OFFENDERS AND SEXUAL PREDATORS.

Chairman Joe A. Martinez, Commissioners Carlos A. Gimenez, Rebeca Sosa,
and Senator Javier D. Souto

I. SUMMARY

These two ordinances propose to create an article in the County Code that would:

- Prohibit convicted sexual predators and sexual offenders from residing within 2,500 feet of a public or private school.
- Prohibit sexual predators from using a public park when a child under the age of 16 is on said park, except if the sexual offender or predator is the parent or guardian of a child present in the park.
- Prohibit sexual predators or offenders from knowingly entering or remaining in a child care facility, unless he/she is a parent or guardian dropping off or picking up her/her child at the facility; or has written permission from a parent or guardian to pick up a child from the facility. The sexual offender or predator must remain under the supervision of childcare facility officials while on facility premises.
- Prohibit landlords from renting or leasing to a sexual offender or sexual predator any residential property located within 2,500 feet of a school.
- Require landlords to get written confirmation that the prospective tenant is not a sexual predator or sexual offender.
- Sets various penalties and fines for sexual predators, sexual offenders, and landlords who fail to abide by the code.
- **Item 7(P)** would apply these prohibitions to municipalities and unincorporated portions of Miami-Dade County.
- **Item 7(P) Alt.** would only apply to unincorporated Miami-Dade County.
- **These ordinances do not apply to sexual predators and offenders who established residency in the restricted areas prior to Nov. 1, 2005.**

II. PRESENT SITUATION

Currently, Sections 794.065, 947.1405 and 948.30, Florida Statutes, prohibit sexual offenders and sexual predators from living within 1,000 feet of certain locations. Sexual predators are required by state law to register with the Florida Department of Law Enforcement and provide information such as name, social security number, age, race,

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sex, date of birth, and photograph. State law also requires community and public notification of the presence of a sexual predator or sexual offender in a neighborhood.

In Miami-Dade County, a growing number of municipalities have adopted increasingly restrictive sexual predator ordinances that limit where sexual predators and sexual offenders can live. Outside of existing state law, no uniform sexual predator residency ordinance exists which applies to both unincorporated Miami-Dade County and municipalities located in the county.

III. POLICY CHANGE AND IMPLICATION

These ordinances would:

- Prohibit convicted sexual predators and sexual offenders from residing within 2,500 feet of a public or private school. **Penalty:** \$1,000 or up to 364 days in County jail or both.
- Prohibit sexual predators from using a public park when a child under the age of 16 is on said park, except if the sexual offender or predator is the parent or guardian of a child present in the park. **Penalty:** \$500 or up to 60 days in County jail or both.
- Prohibit sexual predators or offenders from knowingly entering or remaining in a child care facility, unless he/she is a parent or guardian dropping off or picking up her/her child at the facility; or has written permission from a parent or guardian to drop off or pick up a child from the facility. The sexual offender/predator also must remain under the supervision of childcare facility officials while on facility premises. **Penalty:** \$500 or up to 60 days in County jail or both.
- Prohibit landlords from renting or leasing to a sexual offender or sexual predator any residential property located within 2,500 feet of a school. **Penalty:** \$500 or up to 60 days in County jail or both.
- Require landlords to get written confirmation that the prospective tenant is not a sexual predator or sexual offender. **Penalty:** \$500 or up to 60 days in County jail or both.
- **Item 7(P)** would apply these prohibitions to municipalities and unincorporated portions of Miami-Dade County.
- **Item 7(P) Alt.** would only apply to unincorporated Miami-Dade County.

Neither ordinance would apply to sexual offenders or sexual predators who established residence in a potentially restricted area prior to November 1, 2005; or if the offender was a minor when the sexual offense was committed and was not tried as an adult; or if the school was opened after the sexual predator established residence. There are currently close to 3,000 registered sexual predators and offenders residing in Miami-Dade County, according to MDPD staff. There are presently close to 300,000 rental properties in Miami-Dade County.

IV. ECONOMIC IMPACT

Both ordinances require that signs be posted at all parks alerting visitors to the prohibition of sexual offenders and sexual predators to the park while minors are present. The Parks Dept. estimates the cost to post these proposed signs at all parks to be approximately \$63,750 (\$250/standard metal sign at 255 parks). Currently, there is no identified funding source for these signs.

The requirement that a landlord obtain written proof that potential tenants are *not* sexual offenders may increase the number of such requests to law enforcement agencies, including but not limited to FDLE and the Miami-Dade Police Department. The increased requests could prompt MDPD to add additional staff to the Sex Crimes Bureau to process the requests. Such staff could include additional police officers, and police records specialists (see salary chart below).

	Minimum Annual Salary	Maximum Annual Salary
Police Officer	\$ 34,829.34	\$ 60,612.24
Police Records Specialist 1	\$ 23,631.14	\$ 36,245.56

Source: Miami-Dade County Employee Relations Dept.

V. COMMENTS AND QUESTIONS

Questions and Answers regarding the Florida Sexual Predators Act, and local ordinances restricting the residency of sexual offenders

Does the residency restriction violate the offender's right of freedom to travel?

No, the residency restriction does not restrict interstate or intrastate travel. It does restrict the access of an offender from places where children congregate, in order to reduce the risk to minors.

Does the residency restriction violate the rights of offenders who were not convicted of sex crimes on minors?

No, the residency restriction can include all sexual offenders in a classification. It is reasonable for a Commission to believe that a residency restriction based on a broad classification of sexual offenses will protect the public better than a residency restriction based on a more narrow classification of sexual offenses.

Does the residency restriction constitute another form of punishment?

No, the residency restriction is civil in nature, with the intent to protect the public by reducing the opportunity for offenders to have access to children. The Commission has

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the power to enact a regulatory measure with the intention to protect the public, even if the effect is punitive.

Does the residency restriction constitute a form of banishment?

No, offenders can still travel through the restricted residential areas, and can utilize the parks when no minors are present. However, most parks will likely have minors present, especially large parks and on weekends, thereby making parks generally off-limits, unless the offender is accompanied by his or her own child.

Concerns regarding the residential restriction for sex offenders

The ordinance creates a concentration of offenders in residential areas outside the restricted areas.

State law establishes a 1,000 foot residence restriction for certain offenders. From a single point, a 2,500 foot residence restriction produces an area that is over eight times larger than a 1,000 foot residence restriction. It is unknown if the courts will set a limit on the residence restriction, especially if the restriction effectively removes all residences in a municipality from availability to offenders. For example, the effect of Miami Beach's recent ordinance prohibits an offender from living anywhere in the city.

By excluding offenders from certain residential areas in the county, the concentration of offenders will increase in the unrestricted areas of the county (if the offenders should chose to continue to reside in the county). The residents of those unrestricted areas may not desire to host additional offenders who cannot live in the restricted areas of the county. The residents may desire their own residential restrictions, further decreasing available areas for sexual offender residency, which further increases the concentration in the remaining unrestricted areas.

The ordinance places a burden on landlords.

The ordinance prohibits a landlord from knowingly renting a residence to a sex offender inside the restricted area. This would apply to all landlords, including those home owners who rent the small apartments attached to their single family homes.

MDPD is currently working with the 311 call center to streamline the processing of these expected requests. A caller to the 311 call center will be provided with a "control number." This control number, once submitted to the MDPD Sex Crimes Bureau, will automatically generate and mail a post card stating the prospective tenant's status.

LEGISLATIVE ANALYSIS

ORDINANCE RELATING TO RULES OF PROCEDURE OF THE COUNTY COMMISSION; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO ELIMINATE ROAD CLOSINGS FROM LIST OF ENUMERATED EXCEPTIONS TO COMMITTEE REQUIREMENT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Commissioner Natacha Seijas

I. SUMMARY

The ordinance deletes road closings from the recently adopted list of agenda items that do not require consideration by a committee prior to consideration by the Board. If a Commissioner is not a member of the committee which is considering a road closing in that Commissioner's district, the County Manager shall notify that Commissioner prior to the meeting. The committee can lay the item on the table only if the district Commissioner attends the meeting and supports the motion to lay the item on the table.

II. PRESENT SITUATION

Rule 4.01(i) provides that no item can be considered by the Board unless forwarded by a committee. Rule 4.01(j) provides exceptions to the committee requirement.

The exceptions to the committee requirement initially included only items placed on the BCC agenda by the Chairperson of the Board. In 2003, the exceptions were amended by Ordinance 03-43 to provide for direct BCC consideration of quasi-judicial items and special taxing districts. In March 2005, the exceptions were expanded by Ordinance 05-50 to include several items that shall be heard directly by the Board, specifically: ordinances for first reading, consent agenda items, district office fund allocations, special presentations, **road closings**, road codesignations, citizens' presentations, bid protests, settlements and resolutions expressing intent.

The petition for a road closing currently requires a landowner to obtain the signatures of all of the abutting landowners.

III. POLICY CHANGE AND IMPLICATION

The ordinance deletes road closings from the recently adopted list of agenda items that do not require consideration by a committee prior to consideration by the Board. Road closings must be considered by a committee prior to consideration by the Board, as they were earlier this year. Otherwise, Rule 4.01(j) retains all the other exceptions from the committee requirement for agenda items.

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On September 15, the Internal Management & Fiscal Responsibility Committee adopted an amendment which provides that if a Commissioner is not a member of the committee which is considering a road closing in that Commissioner's district, the County Manager shall notify that district Commissioner prior to the meeting. The committee can lay the item on the table only if the district Commissioner attends the meeting and supports the motion to lay the item on the table.

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

None.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ORDINANCE RELATING TO THE ELECTRONIC CONTROL DEVICES.

Commissioners Dr. Barbara Carey-Shuler, Sally Heyman,
Barbara J. Jordan, Dorrin Rolle and Katy Sorenson

I. SUMMARY

This ordinance creates within Chapter 21, Article III of the County Code, a division which deals specifically with Electronic Control Devices. The changes in the County Code would:

- Establish a mandatory five-day waiting period for those wishing to purchase Electronic Control Devices.
- Require a background check of those wishing to purchase such devices.
- Require potential buyers to attend a training course offered by the manufacturer or certified trainer before purchasing the device.
- Make it illegal for convicted felons to purchase or possess these devices.
- Make it illegal to sale these devices to anyone less than 18 years of age.

II. PRESENT SITUATION

Electronic control devices, or stun guns, are being purchased and used by law enforcement and police departments across the country. However, the leading manufacturer of these devices has recently begun marketing to civilians.

In July 2005, Taser International, which has a dominate share of the stun gun market, chose Miami to launch its new marketing campaign to civilians. While the devices are banned in eight states, Florida has no law barring their sale to civilians and no state law exists for background checks or waiting periods for those wishing to purchase these devices. In August 2005, the City of Sweetwater passed a resolution requiring background checks before citizens could be purchase the devices (see attachment).

Many police officials have expressed concern that these devices could be used in the commission of crimes.

Taser International estimates that 100,000 of the devices have already been sold to civilians nation-wide. The models run from \$400 - \$1,000, and are billed as being as powerful as the devices that police carry. In civilian models the dart-tipped wires, which deliver the debilitating electronic pulses, are only 15-feet long. In police-issue devices, the wires are 25 feet long.

Florida statute **790.23 (1)** bars felons from possessing electronic devices or weapons in the state of Florida.

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While numerous bills were proposed during the last state legislative session that would limit the use or sale of these devices, all of those measures died before the close of the legislative session.

III. POLICY CHANGE AND IMPLICATION

This ordinance would add Division 3 to Article III of Chapter 21 of the Code of Miami-Dade County relating to the sale, purchase and possession of Electronic Control Devices.

- **Sec. 21-20.21** creates a five (5) day waiting period on the sale of the electronic control devices. It requires criminal background checks on the purchasers of these devices, and gives law enforcement officers the authority to enforce the provisions of this section. Holders of a concealed weapons permit, certified officers and correctional probation officers are **exempt** from this provision.
- **Sec. 21-20.22** requires purchasers of these devices to obtain training from the manufacturer of the devices or from a certified trainer prior to buying the device.
- **Sec. 21-20.23** sets the legal age of purchasing said devices at 18, and bars convicted felons or those under the influence from purchasing these devices.
- **Sec. 21-20.24** makes it illegal to possess or purchase these devices unless the person has met requirements of this section of the Code. **Felons** are also barred from possessing these devices.
- **The Penalty** for violating this section of the Code is up to \$500 and/or up to 60 days imprisonment in County jail.

IV. ECONOMIC IMPACT

This would have no economic impact on Miami-Dade County.

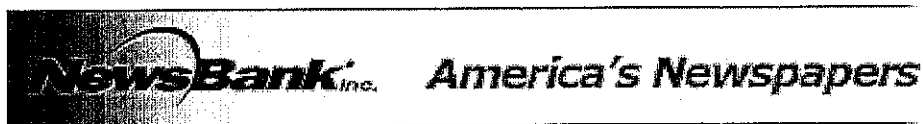
V. COMMENTS AND QUESTIONS

Attachments:

"Taser Pushes Its Stun Guns for Public," Miami Herald, July 24, 2005.

"Officials Want to Lobby State for Taser Regulation," Miami Herald, August 4, 2005.

"Stun Gun Used in Home Invasion," Miami Herald, August 2, 2005,



Paper: Miami Herald, The (FL)
Title: TASER PUSHES ITS STUN GUNS FOR PUBLIC
Date: July 24, 2005

The manufacturer of the stun guns cops carry on their belts is launching an aggressive marketing campaign to boost sales of the weapon to the public, a move police fear will put a dangerous and largely unregulated weapon on the streets.

The city chosen by **Taser** International executives to launch the new sales blitz: Miami, beginning Tuesday.

Sales of the weapon - though banned in eight states - are legal in Florida, where background checks on buyers are not required by law. Business is already brisk at local stores.

Law enforcement authorities worry that the so-called **Taser**, which can paralyze its victim temporarily, will get in the hands of criminals.

"If they start some kind of a campaign to sell these things by the hundreds, clearly the bad guys are going to get them," said Miami Police Chief John Timoney.

Although **Taser** International, based in Scottsdale, Ariz., plans a splashy show for the media on Tuesday at the Hyatt Regency in downtown Miami, local gun dealers and pawn brokers say they have been selling the weapons over the counter for at least a year.

And **Taser** has for several years sold it for "home security" through its website. The company estimates 100,000 civilian models have sold nationwide. They declined to talk about sales projections.

"It's a popular item," said Javier Alonso, owner of Miami Police Supply, noting he sells about 25 Tasers a month to the public.

Among his biggest customers: security guards who are not permitted to carry firearms. Others include women who want protection but are uncomfortable carrying a gun.

The models, which run from \$400 to \$1,000, are as powerful as the Tasers police officers carry. Both work by firing dart-tipped wires that deliver an electrical charge that temporarily short-circuits the body's central nervous system. In the civilian models, the wires are only 15 feet long; law enforcement Tasers have 25-foot wires.

SHARED CONCERNS

Police chiefs in Broward County, where the **Taser** marketing push is rolling out in two gun stores, share Timoney's concerns.

"Tasers are not only going to make police officers' jobs more dangerous, but the illegal use of these types of weapons against innocent citizens and to commit violent crimes is a paramount concern," said Fort Lauderdale Police Chief Bruce Roberts.

Taser International president Tom Smith counters that his device is not as dangerous as the other weapons police officers face every day. He noted that guns, Mace, pepper spray and batons are legal to buy.

"If somebody has an ill-intent, we need to focus on the intent," he said.

Smith said he has lobbied state legislatures to prohibit the sale of Tasers to children and felons.

Two Florida senators wanted to go further this year when they proposed several bills that would have placed limits on the use of Tasers. One would have banned anyone but police from using the stun guns. The bills, sponsored by Sen. Gary Siplin, D-Orlando, and Sen. Tony Hill, D-Jacksonville, died without action in the final days of the legislative session.

Milton Hirsch, an expert in Florida legal procedure, said that state law could allow criminals who use Tasers to avoid harsher prison sentences.

One example: The 10-20-life sentence. The law dictates that the punishment increases whenever a firearm is used in the commission of a crime. The penalty is 10 years for possession of a gun; 20 years if you use the gun; and life if you shoot someone with the gun.

Hirsch said that someone who robs a 7-Eleven with a **Taser** wouldn't trigger the tougher penalties because it is not considered a firearm.

"If we're going to have Tasers out there available to the general public, then we should have the same type of sanctions and limitations on them," he said.

That's what Illinois lawmakers sought to do in June. The state became the first in the country to pass a law treating the sale of Tasers like firearms, according to published reports. Buyers of Tasers and other stun guns there have to obtain a Firearm Owner's Identification Card and submit to background checks. Illinois also mandates a 24-hour waiting period.

Smith said his company is requiring dealers who sell the new X26c **Taser** to run criminal checks on buyers through **Taser's** website. He wants the same rules for older models.

NO CHECKS

But Alonso, owner of Miami Gun Supply, says he has been selling the X26c, for months and stocking older, larger models for more than a year, without running any kind of checks. He was unaware of any company requirement to run checks.

"There's no background check because it's a non-lethal device and it's not regulated by [the federal Bureau of] Alcohol, Tobacco and Firearms," he said. "Any person off the street, of legal age, of course, can purchase the **Taser**. Honestly, I don't know if this particular item is regulated by age like BB guns, but we only sell them to people over 18 years age."

Several other gun dealers contacted by The Herald also said they were selling the weapons without running background checks. One, however, said he runs background checks for all models and sends the names of buyers to **Taser**.

Smith said he was disappointed and hopes the company will remedy the situation soon.

Taser keeps track of the names of buyers on its website and asks retail buyers to voluntarily register their weapons with the company. Each time a **Taser** is fired, it releases a handful of confetti-like tags that have a number that can be traced back to the individual stun gun.

Beyond the concerns of police and prosecutors, the **Taser's** safety record has come under scrutiny.

The Securities and Exchange Commission is inquiring into claims **Taser** exaggerated its safety studies.

Another issue: More than 80 people have died around the country after being shocked by police Tasers.

The company says those deaths were caused by other factors - mainly the effects of illegal drugs such as cocaine and PCP. Except for a few cases, the finding of medical examiners have supported the company's claims.

LIFE-SAVING TOOL

At least 7,000 police agencies around the world issue Tasers, including many in South Florida, the company says. Police hail the device as a life-saving tool that gives them an option besides shooting and killing someone who is violent or dangerous.

Amnesty International has called for a ban on civilian **Taser** sales.

"We feel that the safety concerns that we have about the models used by police are compounded when you have a public that doesn't receive anywhere near the type of training that police receive," said Amnesty's Edward Jackson.

Taser counters there is no evidence that shows the stun gun causes anyone any lasting damage. But Smith says **Taser** is open to more testing.

Smith remains upbeat about the new civilian model.

"We're getting a lot more interest from the person who maybe isn't comfortable with a firearm but is interested in something for self-defense," he said.

Police hardly share the same opinion.

"Take a look around at who's carrying guns on the street. It's not just law-abiding citizens. So you've got to assume, somewhere along the line, someone's going to be using a **Taser** for purposes not envisioned by **Taser**," said Miami Lt. David Magnusson, a longtime undercover officer now in charge of patrol support. "That's an easy way to rob somebody."

Herald staff writer Wanda DeMarzo contributed to this report.

Herald.com: Should tasers be available for public purchase? Vote at today's extras

[ILLUSTRATIONS=] photo: Javier Alonso shows off **Taser** X26 (a); graphic: **Taser** guns (see microfilm)

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Section: Front

Page: 1A

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Paper: Miami Herald, The (FL)
Title: OFFICIALS WANT TO LOBBY STATE FOR TASER REGULATION
Date: August 4, 2005

Sweetwater officials said Monday they will urge state legislators to regulate **Taser** guns within their city.

Mayor Manny Maroño and city commissioners agreed to draft a resolution aimed at regulating the weapon using background checks. The issue is of concern to the city since Arizona-based **Taser** International launched a sales campaign aimed at the general public in Miami last week.

"I am in agreement with regulating them, 100 percent," said Commission President Ariel Abelairas. "A **Taser** can take you down and immobilize you. It's frightening. We have to do something about this."

Police Chief Roberto Fulgueira believes that allowing unrestricted sales of the weapon will make it easier for them to fall into the hands of criminals.

"A **Taser** in the wrong hands can be a dangerous weapon and could cause harm to another individual," Fulgueira said. "A criminal could use it to hold up a 7-Eleven, abduct someone or take a gun away from one of my police officers. The endless possibilities could be devastating."

An incident already occurred in Fort Lauderdale on Monday afternoon, where police say three robbers used a stun gun to subdue two men and a dog during a home invasion.

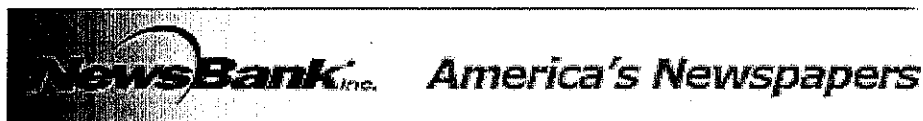
The robbers made off with wallets full of cash and credit cards.

"I don't know what we can do, but I do know that we have an obligation to protect our residents and we must take action," Maroño said.

The commission will express their concerns about Tasers within their city limits at the Miami-Dade County League of Cities at 7 tonight at the Doubletree Hotel, 2649 S. Bayshore Dr.

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Author: JOSE CASSOLA, jcassola@herald.com
Section: Neighbors
Page: 25WK
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Paper: Miami Herald, The (FL)
Title: STUN GUN USED IN HOME INVASION
Date: August 2, 2005

Three robbers used a stun gun to subdue two men and a dog in Fort Lauderdale during a home-invasion robbery Monday afternoon, according to police and a witness.

The robbers put pistols to the heads of the two men and demanded they get on the floor, said Ken Russo, 38, who said he owns the building in the 500 block of Southwest 13th Avenue where the crime took place.

When the two men didn't drop to the floor right away, the robbers stunned them repeatedly. They also used a stun gun on Maggie, a Jack Russell terrier that was inside the home.

The robbers made off with wallets full of cash and credit cards. They escaped in a white Toyota Camry with no hubcaps, police told Herald news partner WFOR CBS-4.

Police were called to the scene, but on Monday would not confirm details of Russo's account.

The two victims, whose names were not released, were not seriously injured and declined to see a doctor, said Russo.

Russo, who said he was not present when the robbery occurred, said the two men, including one of his tenants, walked into the unit when three male robbers, who had apparently waited in their car in the parking lot, barged in after them.

Russo said the two men told him they did not know who the robbers were.

"I never had a problem here," Russo said. "I usually keep the doors open."

Police, who have increasingly employed stun guns as a less-lethal means of force, have expressed concern that criminals would start using them, especially since Taser International introduced a civilian version of its stun gun.

Sales of the weapon, while banned in eight states, are legal in Florida, where background checks are not required by law. It was not known which type of stun gun was used in Monday's attack in Fort Lauderdale.

In the West Miami-Dade city of Sweetwater, commissioners agreed Monday night to ask city staff to draft a resolution expressing concern about the lack of regulation on Tasers that are sold to the general public. "We're concerned because a Taser in the wrong hands could cause harm to another individual," Police Chief Roberto Fulgueira said. "A convicted felon, or a rapist or a child molester could essentially use it to commit another act."

"We're just exploring options," Sweetwater Mayor Manny Maroño said before Monday's meeting. "I'm gathering information on what I can or can't do. I don't necessarily want to ban this weapon from the city. I would just like to regulate them because this could easily become a tool to commit crimes."

Herald staff researcher Scott Hutchinson contributed to this report.

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Section: Broward & State
Page: 1B
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LEGISLATIVE ANALYSIS

ORDINANCE PERTAINING TO ZONING REGULATION OF SIGNS AND ENFORCEMENT OF SIGN REGULATIONS; AMENDING SECTIONS 33-82, 33-86, 33-92 AND 8CC-10, AND CREATING SECTIONS 33-121.28-121.33 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (“CODE”); PROVIDING PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NOS. 051048 AND 051980]

Commissioner Katy Sorenson

I. SUMMARY

This proposed Ordinance amends present Code, establishing a review procedure for the regulation of Class C signs throughout the County. In addition, the Ordinance discusses the standardization of busway signs from Dadeland South to 304th Street along the South Miami-Dade Busway.

II. PRESENT SITUATION

Throughout the unincorporated and incorporated areas of Miami-Dade County, the height and scale of signs vary. In regards to the application and enforcement, the Sign Code of Miami Dade County, §33-82 (“Sign Code”) states the following:

- (a) Miami Dade County bears the burden of enforcement in the unincorporated areas and the incorporated areas if specified. When the Sign Code is applicable to a municipality, the municipality is responsible for enforcement.
- (b) If property in the unincorporated area fronting a street right-of-way forms a common boundary with a municipality, and if the zoning classifications on both sides of the boundary are comparable, the property in the unincorporated area shall comply with the provisions of the municipal ordinance, provided the municipality has a sign ordinance with stricter standards than the Sign Code. In such event Miami-Dade County shall apply and enforce the provisions of the municipal ordinance in the unincorporated areas of the County.

III. POLICY CHANGE AND IMPLICATIONS

The Department of Planning and Zoning will have the responsibility of reviewing all Class C – Outdoor Advertising Signs applications throughout the County and give a written determination of compliance before a permit can be pulled.

The amendments proposed include:

- Section 33-82
 - Establishing minimum standards for signs throughout Miami-Dade;

BCC ITEM 7(S)

November 1, 2005

- Section 33-86
 - Requiring all municipalities to obtain a written compliance determination from the Miami-Dade County Director of Planning and Zoning for only Class C signs;
- Section 33-92
 - Broadens responsibility;
- Section 8CC-10
 - Schedule of civil penalties;
- Sections 33-121.28-121.33
 - Prohibits Class C signs within 300 feet of the busway protected area.

IV. ECONOMIC IMPACT

Staff proposes that the greatest economic impact would be the modifications to Team Metro Case Management System and to the Geographical Information System (GIS) so that 311 can handle complaint calls. Modifications to the 311 Customer Service Request (CSR) software are also anticipated; however, the cost for such cannot be determined at this time.

Other expenses include the creation of a database and the cost to purchase a scanner.

• Modifications to Team Metro & GIS -	\$22,100.00
• Database and Scanner -	\$ 8,500.00

Total =	\$30,600.00

Revenues resulting from fines and the cost of pursuing violations, although expected, they cannot be determined at this time.

V. COMMENTS AND QUESTIONS

None.

LEGISLATIVE ANALYSIS***RESOLUTION AUTHORIZING THE ISSUANCE AND ADVERTISING OF A REQUEST FOR PROPOSALS (RFP MDAD 05-05) RELATING TO A NON-EXCLUSIVE CONCESSION PROGRAM TO SELECT QUALIFIED FIRMS TO DEVELOP RETAIL CONCESSION LOCATIONS IN THE NORTH AND SOUTH TERMINALS AND CONCOURSES AT MIAMI INTERNATIONAL AIRPORT***

Aviation Department

I. SUMMARY

This Resolution authorizes advertising a Request for Proposals (RFP No. MDAD 05-05) related to a Non-Exclusive Retail Concession Program at MIA. This RFP is substantially different, as directed by the Board, than RFP No. MDAD 01-04. This RFP provides greater emphasis on assuring participation of local and/or small businesses.

II. PRESENT SITUATION

Comparison Chart

	RFP MDAD 05-05	RFP MDAD 01-04
Characteristics	<p>At the direction of the Board, the retail concession RFP provides greater opportunity to local and/or small business.</p> <p>Firms can propose as prime concessionaire, developer or direct lessee (developer and concessionaire subtenant's percentage fee is three percent lower than direct lessee.</p> <p>Technical evaluation includes assessment of point based on local themes and local ownership.</p>	Originally geared to the larger developers and master concessionaires.
# of Packages	8	4
# of Locations	27	77
Package # / Locations	#1 / 8 locations #2 / 8 locations #3 - #6 / 1 location each #7 / 1 location (SB only) #8 / 2 locations (SB only)	#1 / 37 locations [rejected by BCC] #2 / 36 locations [rejected by BCC] #3 / 2 locations (SB* only) no proposal was received #4 / 2 locations (SB only) awarded to Miami International Airport Pharmacy, Inc.
Minimum MAG	Proportionate to the square footage that will be open and available	Packages #1 & 2 = \$1.3 million No MAG for #3 or 4 (fixed fee)

* Small Business

III. POLICY CHANGE AND IMPLICATION

This RFP provides for continued and/or increased provision of retail concession services at MIA.

IV. ECONOMIC IMPACT

- Pursuant to the Lease and Concession Agreement, Prime Concessionaires, Developers, and/or Direct Lessees will pay a MAG which includes rent, or percentage of gross revenues, whichever is greater
- Cost of rent at MIA as of October 1, 2005, is \$59.77 per square foot
- Prime Concessionaires, Developers, and/or Direct Lessees are required to have in place a MAG and Rent Performance Bond equal to 75% of the MAG and rents for current year of operation
- Prime Concessionaires, Developers, and/or Direct Lessees are required to provide an irrevocable letter of credit or cash as Payment Security in an amount equal to three times the minimum monthly guarantee plus rental and applicable taxes

V. COMMENTS AND QUESTIONS

None

LEGISLATIVE ANALYSIS

RESOLUTION AWARDING THE NON-EXCLUSIVE DUTY AND TAX FREE CONCESSION CONTRACT AT MIAMI INTERNATIONAL AIRPORT, RFP NO. 03-04, TO DUTY FREE AMERICAS MIAMI, LLC; AUTHORIZING COUNTY MANAGER OR DESIGNEE TO EXECUTE AGREEMENT AND TERMINATION PROVISIONS CONTAINED THEREIN; WAIVING REQUIREMENTS OF RESOLUTION NO. R-377-04
Aviation Department

I. SUMMARY

This Resolution awards Duty Free Americas Miami, LLC (DFAM), a non-exclusive lease and concession agreement to finance, design and construct, sublease, manage, operate and maintain duty and tax free concessions at MIA (RFP No. MDAD 03-04). This Resolution waives the requirements of Resolution No. R-377-04 relating to the effective date of said lease and concession agreement.

II. PRESENT SITUATION

The current duty and tax free concessionaire is Starboard Cruise Services, Inc., and its agreement with the County expires on November 30, 2005. Starboard Cruise Services, Inc., did not participate in the current RFP process. The County received proposals from: Duty Free Americas Miami, LLC, Dufry Miami Retail Partnership, Worldwide Duty Free Retailer LLC, and Miami Duty Free LLC/Nuance Group.

Proposers were evaluated on the basis of points awarded for written proposal and oral presentation, and points awarded based on proposed Minimum Annual Guarantee (MAG). DFAM is ranked highest on both evaluative components (see page 67).

RFP No. MDAD 03-04 Timeline

12-02-04 -- BCC approves request to advertise (Resolution No. R-1493-04)

12-20-04 -- RFP is advertised

03-07-05 -- County Manager appoints Selection Committee

04-22-05 -- Deadline for submittal of proposals

05-26-05 -- Responsiveness opinion from County Attorney's Office – page 38

06-02-05 -- DBE compliance report from Minority Affairs Division – page 40

06-06-05 -- Prescreening meeting and oral presentations

06-15-05 -- Selection Committee's recommendation to County Manager – page 34

07-06-05 -- Manager approves recommendation and appoints Negotiation Committee – page 8

08-30-05 -- Manager's revised approval waiving negotiations – page 6

BCC ITEM 8(A)(1)(C)

November 3, 2005

09-14-05 -- DFAM signs contract

10-14-05 -- Deadline to file protest

10-18-05 -- BCC adopts Resolution No. R-1212-05 extending the term of the current concessionaire until December 31, 2005.

III. POLICY CHANGE AND IMPLICATION

This award continues the policy of providing quality duty and tax free concession services at MIA requiring Disadvantage Business Enterprise (DBE) participation.

Certified DBE Participants:

Concourse Concessions, Inc. 20% member of DFAM
Onsite management and operations of duty free stores
In business since 1992
Headquartered in Los Angeles, California

Siboney Wine & Spirits Merchants, Inc. 10% member of DFAM
Management and operation of duty free stores / consulting
In business since 1995
Headquartered in Hollywood, Florida

IV. ECONOMIC IMPACT

Pursuant to the agreement, DFAM will pay MIA the required percentage fee of monthly gross revenues or the minimum monthly guarantee, whichever is greater. In addition, DFAM will pay monthly rent for 12 locations with a total of 35,841 square feet.

- DFAM to pay MAG of \$20,018,770
- Cost of rent at MIA as of October 1, 2005, is \$59.77 per square foot
- DFAM is required to have in place a MAG and Rent Performance Bond equals 75% of the MAG and rents for current year of operation
- DFAM is required to provide an irrevocable letter of credit or cash as Payment Security in an amount equal to three times the minimum monthly guarantee plus rental and applicable taxes
- MAG is anticipated to be prorated at 59% of the above amount due to the North Terminal Units that are not on-line
- The North Terminal Units not on-line represent 14,678 square feet of the total 35,841 square feet
- The remaining 21,163 square feet multiplied by \$59.77 per square foot results in rent of \$1,264,912.51 plus tax per year, prorated and payable into twelve monthly payments

V. COMMENTS AND QUESTIONS

Operating duty and tax free concession stores at airports is a complex endeavor requiring a significant investment. It requires the establishment of a Customs bonded warehouse. A Customs bonded warehouse is a secured area in which dutiable goods may be stored, or manipulated, without payment or duty. Authority for establishing bonded storage warehouses is set forth in Title 19, United States Code (U.S.C.), §1555. The merchandise must be owned or sold by the proprietor and delivered from the warehouse to individuals departing from the Customs territory or foreign destinations. There are specific requirements governing their establishment. These requirements include location, exit points, and record-keeping systems, among others.

On October 18, 2005, the Board extended the current Duty and Tax Free concession agreement at Miami International for an additional 31 days in order to allow the new concessionaire, if approved by the Board, to obtain the required approvals from the U.S. Customs Service. This extension prevents any potential interruption of duty and tax free services to international passengers during the busy holiday period.

Attachments



Paper: Miami Herald, The (FL)

Title: DUTY FREE AMERICAS RECEIVES RECOMMENDATION FOR MIA DEAL

Date: July 31, 2005

Duty Free Americas, a Hollywood firm with stores at 12 U.S. airports, and whose parent company owns French designer label Christian Lacroix, will likely be the next operator of Miami International Airport's tax-free stores.

The company, owned by three brothers who grew up in Miami Beach and made their money in the perfume business, beat out three other contenders - each with local political ties - to win an airport evaluation committee's recommendation. MIA is now working on a contract for the 12 stores, to be presented to the Miami-Dade County Commission in September.

As an international gateway, MIA's **duty-free** business is among the most significant in North America, ranking fifth in gross revenue in 2004, according to Airport Revenue News, a monthly trade magazine published in Palm Beach Gardens. About seven million international passengers fly out of MIA each year.

"If there is one airport we wanted to do business in, it's Miami airport," said Simon Falic, 44, the oldest of the three brothers, and chairman of **Duty Free Americas**. "We look forward to finalizing [the contract] as soon as possible and opening the stores as soon as possible."

The **duty-free** shops will span MIA, from the North to the South terminal. Brightly lit, with an open layout and merchandise displays, the tax-free shops promise to be well-stocked, have longer hours and offer promotions to attract more customers and boost sales, said Joe Kearney, **Duty Free Americas**' vice president of business development.

The majority owner of the existing **duty-free** operator at MIA - Starboard Cruise Services, which is owned by international luxury brand maker LVMH - opted not to bid this time, citing financial reasons. Its contract for eight existing stores expires at the end of November.

Duty Free Americas, purchased and renamed by the Falic brothers in 2001, operates a total of 85 shops at airports, including New York's JFK, Chicago O'Hare, Washington Dulles and Boston Logan, and along the U.S. borders. Among its Latin America airport shops are those in Maracaibo, Venezuela; Panama City, Panama; and Medellin, Colombia.

"It was a combination of their technical expertise to do what they say they can do, the look of the design, and the experience factor of having worked in a variety of airports, that helped make this our recommendation for award," said Patricia Ryan, MIA's manager of commercial operations, and a member of the airport's evaluation committee.

The company also bid more money. **Duty Free Americas** Miami offered a minimum annual guarantee to the airport of \$20 million - topping the \$18.5 million offered by Dufry Miami Retail Partnership and about \$9 million more than two other contenders, Worldwide **Duty Free** Retailer, and Miami **Duty Free**.

The new concessionaire also must pay about \$9 million in construction costs to build out the stores.

'A LITTLE HIGH'

"It's a little high," said Pauline Armbrust, publisher of Airport Revenue News, of the \$20 million minimum annual guarantee. "But obviously Miami is a great airport for **duty free**, and I'm sure they are planning to drive sales and meet those revenue targets."

Falic said he did not overbid, and feels confident the company can make the payment and still earn a profit.

In fiscal 2004, by comparison, MIA earned \$13.6 million from the current **duty-free** concessionaire, including \$8.9 million in minimum annual guarantee, \$3.3 million in rent and an additional \$1.4 million, based on a percentage of revenue.

In an airport known for heavy lobbyist influence, **Duty Free Americas** hired two to support its proposal, Alan Becker of Becker Poliakoff, and Miguel Diaz de la Portilla, of Adorno & Yoss. Falic declined to say how much the company has paid them in fees.

PARTNERS

Duty Free Americas is partnering with two minority firms on the Miami contract. Concourse Concessions, a Los Angeles company owned by an African-American woman, has operated two **duty** and **tax-free** stores at Los Angeles International Airport for 16 years, and two stores at Washington Dulles for nearly two years.

Siboney Wine & Spirits Merchants is owned by Miami resident Jaime Alonso, who has been a wholesaler of wines and liquor to the Caribbean and Latin America for 10 years.

Neither has had business ties to MIA.

Duty Free Americas will own 70 percent of the Miami airport contract, Concourse Concessions, 20 percent, and Siboney 10 percent.

The firm's proposal promises to top the existing **duty-free** stores' revenue. The current operator's eight stores last year generated \$38.8 million in revenue, or \$1,861 in revenue per square foot, on 20,937 square feet.

Duty Free Americas projects it will boost revenue on its 12 stores to \$85 million, on 35,841 square feet - or \$2,372 per square foot - by 2008. By 2015, it projects \$118 million in revenue.

"Miami airport has a strong Latin base, and Europeans," Falic said. "And we're going to gear our merchandise and sales staff to try to accommodate the main customers."

Duty-free shoppers will find stores outfitted with cosmetics boutiques featuring Estee Lauder, Clinique, Lancome and Christian Dior; luxury boutiques by Hermes, Cartier, Fendi and Ferragamo; and premium liquor boutiques showcasing Jack Daniels, Johnnie Walker and Tanqueray, according to the proposal.

Catering to MIA's special mix of nationalities, the stores will also feature brands that are popular in certain countries, like Cacique rum, Pisco and Heradura tequila, the proposal says.

ELIGIBLE SHOPPERS

Only passengers holding boarding passes on international flights out of Miami can shop at the stores.

The Falic brothers, who each live in Bal Harbour, primarily made their money in the perfume business. Simon Falic was a co-founder and at one time chairman of discount perfume retailer Perfumania, which was also founded by his brother-in-law Ilia Lekach. Falic was also a large shareholder of Fort Lauderdale fragrance manufacturer Parlux Fragrances, which Lekach heads as chairman. Falic said he is no longer a shareholder of either company and no longer has business ties with Lekach.

Falic was familiar with **Duty Free Americas**' company's predecessor, because Parlux had been a vendor to the south border stores of **Duty Free** International for several years. In October 2001, the Falic brothers bought **Duty Free** International, and renamed it **Duty Free Americas**. In November 2003, they moved the company from Glen Burnie, Md., to Hollywood.

In fiscal year 2005, **Duty Free Americas** generated \$13 million in profit on \$354.2 million in revenue. Of that, \$98 million in revenue came from airport **duty-free** stores, according to financial statements in the proposal.

In addition to **Duty Free Americas**, the Falic Group bought French couturier Christian Lacroix in January from LVMH. The company also bought cosmetic labels Urban Decay and Hard Candy in 2002. The **duty-free** stores will sell items from those brands, as well as Christian Lacroix accessories like ties and scarves, Falic said.

"They have done a phenomenal job in the industry since they have moved into the business," said Lois Pasternak, editor and publisher of Travel Markets Insider, of **Duty Free Americas**. "The industry thinks extremely highly of them."

OTHER BIDDERS

Here are the other bidders, and their bids, for the new **duty-free** contract at Miami International Airport:

* DUFY-MIAMI RETAIL PARTNERSHIP, \$18.5 million. A partnership between Dufy America and Miami International Airport Pharmacy - a company controlled by Rosa Turner, which had operated two sundry stores and nine \$10 accessories and jewelry stores at MIA since 1990. Miami International Airport Pharmacy's owners are also the principals of West Miami-Dade-

based Bijoux Ternier.

Ternier's company's contract was canceled last year, when Westfield Concession Management won the central terminal bid, but some stores remain open until the new concessions open.

Dufry's parent, based in Basel, Switzerland, operates more than 270 shops at airports, seaports, train stations, cruise ships, ferries, border crossings, and other venues.

* **WORLDWIDE DUTY FREE RETAILER**, \$11.2 million. A partnership between Brasif **Duty Free** Shop Ltda., the largest **duty-free** operator in Latin America, and three minority investors. One partner, Miami to Go, has been a minority operator of MIA's **duty-free** stores for the past decade. The other minority investors are DB Travel Retailer and **Duty Free** World.

Brasif has had two stores at MIA, Aroma & Co. and Leather & Co., since January 2004. The company also operates a Brazilian food and beverage distributor from its Miami base.

* **MIAMI DUTY FREE**, \$11 million. A newly formed venture owned 51 percent by Nuance Global Traders (USA), part of the Nuance Group, and 49 percent by ACD-DFASS Airport Ventures - owned by Albert Dotson, Cirilo Rodriguez and David Franklin of ACD and Bernard Klepach, CEO of the DFASS Group, which supplies **duty-free** products to airlines and airports.

Nuance Group is one of the world's largest airport **duty-free** and travel retail operators, with \$1.7 billion in annual sales and 350 stores at 56 international airports.

Dotson's company, Puryear, won a contract at MIA to install carpeting in 1997 - a job that was supposed to take four months but 14 months later was laden with allegations of delays and shoddy workmanship.

Klepach also owns DTR Travel Retail, which operates a store and three kiosks at Los Angeles International Airport.

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TRAVEL MARKETS **INSIDER**

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Covering the Americas & the Caribbean. 9697 North Springs Way, Coral Springs, Florida USA 33076 parsnip5@aol.com

DFA wins MIA duty free contract with a \$20 million bid in transparent proceedings

At the conclusion of a full day of oral presentations from the four companies bidding on the duty free contract, the Selection Committee of the Miami International Airport named the Duty Free Americas group the winner of the ten-year duty free concession yesterday.

The Duty Free Americas Airport LLC won both the technical component of the bid and the financial component, offering a minimum annual guarantee (MAG) of \$20+ million. DFA beat out the Dufry bid of \$18.55 million, Brasif (Worldwide Duty Free Retail) with \$11.2 million and Nuance/DFASS (Miami Duty Free LLC) with \$11 million.

Duty Free Americas also won the technical bid, which rated financial capacity, experience, development/design, the DBE program and management/operations. The main theme of its presentation was how it planned to increase MIA's annual airport duty free sales from the current

\$40 million to \$85 million in 10 years. The company made a compelling argument, illustrating the potential by showing the increases it has generated in its current airport stores over the past few years. The DFA group includes Bettye Dixon's Concourse Concessions Inc. (CCI), the largest DBE company in the US. CCI will also mentor an additional DBE, Jaime Alonso's Siboney Wine & Spirits Merchants.

The Brasif-led Worldwide Duty Free Retailer presentation, which came in second in the technical qualifications, was also particularly effective. Brasif's Fabiano Vivacqua and Gustavo Fagundes were joined by Miami To Go's Carole Ann Taylor, Duty Free World's Mayra del Valle and Leylani Cardoso and former Brasif director Eduardo Pereira, in a choreographed, integrated presentation stressing why they would be best for the airport.

The Miami Duty Free (Nuance/ACD-DFASS) and Dufry Group presentations were both profess-

sional and informative. When the technical and financial scores were added together, Dufry came in second after DFA, with Brasif and Nuance/DFASS coming in third and fourth.

Following the scoring and calculations of the RFP winner, the Selection Committee voted to send their recommendation on to the appropriate county government agencies, the Regional Transportation Committee and then the Board of County Commissioners.

The next step for the DFA group is to meet with a negotiating committee made up of three members of the Selection Committee—Patricia Ryan and Douglas Jorge of Miami-Dade Aviation Department and William D. Talbert, president and CEO of the Greater Miami Convention & Visitors Bureau. These negotiations are expected to take place within the next two-three weeks. The recommendation could reach the County Commissioners by August.

Editor's Note: The proceedings surrounding the MIA contract were a fascinating exercise in open government at work.

Under Florida's Sunshine Laws, all government meetings and records are accessible to the public. As a result, each of the companies bidding on the MIA contract was able to view its competitor's presentations and all of the contenders took advantage of the opportunity.

With the exception of one or two attorneys at the meeting, all of the operators *Insider* spoke with said this was the first time they had been able to view a rival company's presentation.

Patricia Ryan, manager of commercial operations who has been in charge of the RFPs, and the Miami-Dade Aviation Department, must be commended for running such a transparent process, in a city that has not always been known for the clarity of its government contracts.

The presentations demonstrated a high level of professionalism and commitment among the bidders, as well as a slew of innovative new ideas for everything from partnerships to ways of increasing store penetration. (Brasif told about the lounges it has set up inside some of its larger stores, where coffee and good-smelling fresh baked cheese bread successfully lure customers into the store.) Every one of the companies presenting should be very proud of their efforts.

One additional observation: The huge disparity between the DFA and Dufry MAG bids from the others obviously reflect their conviction that they can achieve significantly higher sales in the future.

Lois Pasternak

“We look forward to the opportunities of working with a new duty free retailer at Miami International Airport.”
Patricia Ryan, Manager, Commercial Properties, Miami-Dade Aviation Department

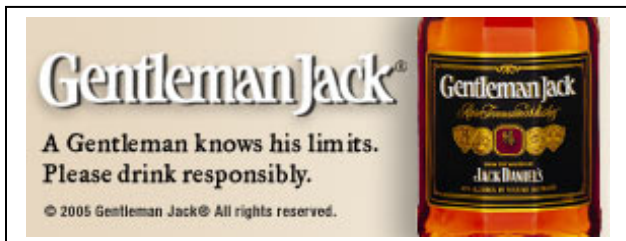
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For further details, please contact:
Rossella Golluscio, Head of Events, Raven Fox
Email: rgolluscio@ravenfox.com

RavenFox
event publishing research



New Zippo lighters now permitted in checked luggage

Zippo has won a modification in the TSA regulation banning lighters from being carried in checked luggage in US airports.

Since May 16, 2005 new, empty lighters, such as new Zippo pocket lighters, which are always sold without fuel – are permitted in checked luggage as they are not considered hazardous material. The Transportation Security Administration (TSA) prohibited items list has been updated and makes it clear that these lighters are permitted in checked luggage.

“This is consistent with long-standing Department of Transportation (DOT) hazardous materials policy and clarifies that empty lighters are not considered hazardous materials. This is a win

for Zippo consumers, collectors, and our company,” stated Greg Booth, president and CEO of Zippo Manufacturing Company.

Booth said that the company received immense support from Pennsylvania Senators Rick Santorum and Arlen Specter, and Congressman John Peterson. He further applauded TSA and DOT for working so diligently and carefully with Zippo to make this common sense clarification, which he says saves jobs, helps American exports and the economy while maintaining public safety.

“The government recognized that a new, never filled Zippo lighter cannot in any way be construed as dangerous. They were also sympathetic to the fact that the exclu-

sion of all lighters on commercial airlines caused a tremendous inconvenience to Zippo consumers,” Booth continued.

This revision to the prohibited items list applies only to new Zippo pocket lighters and other lighters sold empty.

On April 14, the TSA complied with Section 4025 of the Intelligence Reform and Terrorism Prevention Act and banned all lighters from the passenger cabin of aircraft. That law, coupled with the previous ban on all lighters in checked luggage, made it impossible for air travelers who purchase Zippo lighters for personal use or as gifts or souvenirs to transport these inherently safe lighters.

Vancouver International Airport Authority is seeking Proposals for an operator to develop and operate a duty free concession at YVR.

_ Term is eight years plus a two-year option

_ Premises consist of 2,684.4 m2 (existing) plus 1,112.3 m2 (new development)

_ **Competition ends Friday, July 29, 2005 at 3 p.m. PST**

_ Proponents have the option to submit multiple bids

All Proponents must submit a bid based on a minimum annual guarantee with an option to bid on a percentage rent. Proponents may submit alternate rent structures in addition to the required MAG submission. For details, contact Gerard Lim, Manager, Retail Leasing, Vancouver International Airport Authority, Gerard_Lim@yvr.ca

TAIRO INTERNATIONAL,
a Miami Beach-based
fragrance and cosmetics
distributor, seeks

A TRAINER

This challenging position entails preparing and educating sales staff about some of the most exciting brands in the industry. Extensive Caribbean travel required. Spanish a must.

Send resume to

tania@tairo.com

Please no phone calls

Canada reports 1Q duty free border & airport sales

The 2004 trend in Canada's duty free sales has carried over into this year. First quarter results for Canada's airport duty free sales reached C\$41.67 million, up 8% from the same period in 2004 and continuing the strong sales recorded throughout last year.

Land border sales continue to fall, however, down 6% to C\$30.66 million in the first quarter.

Level reaches new heights in Canada



Photo courtesy of Tanja Lee

V&S Absolut Spirits Global Duty Free and Maxxium Canada are taking its premium Level Vodka to new heights this summer - literally in Sarnia where a huge Level banner, close to 100 feet high, decorates the characteristic tower of Blue Water Bridge Duty Free's entrance. “Up to three million people crossing the bridge this summer are expected to see the Level bottle - and hopefully stop and shop a bottle or two,” says Torben Vedel Andersen, V & S Absolut Spirits account manager global duty free and travel retail.

In Windsor at the Windsor Tunnel Duty Free, Level is featured on the key end Gondola in the Vodka section. “The new gift tubes are used here and across Canada duty free together with an elegant leaflet, providing sophisticated Level martinis such as the Level Mint Martini,” said Andersen.



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LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

*RESOLUTION FOR AN INTER-LOCAL AGREEMENT WITH MIAMI-DADE COUNTY
PUBLIC SCHOOLS.*

Corrections and Rehabilitation Department

I. SUMMARY

This item approves an inter-local agreement with Miami-Dade County Public Schools/Lindsey Hopkins Technical Educational Center (MDCPS/LHTEC) to provide academic educational courses to inmates incarcerated in the Miami-Dade Corrections and Rehabilitation Department facilities for the 2005-2006 academic year. MDCPS/LHTEC will also provide career and technical training courses for a maximum of 375 contact hours per course, per trimester. The cost for the career/technical training is not to exceed \$400,000.

II. PRESENT SITUATION

Currently, inmates detained in Miami-Dade County correctional facilities can make use of various services provided by MDCPS/LHTEC, including studying Adult Basic Education, English for speakers of other languages, General Education Development (GED) preparation, and a slate of vocational training courses detailed in the Manager's Memo.

III. POLICY CHANGE AND IMPLICATION

This item renews a standard agreement with the MDCPS and will expire on September 30, 2006.

IV. ECONOMIC IMPACT

The amount if tuition payment for the year will not exceed \$400,000. These funds will come from the Inmate Welfare Fund.

V. COMMENTS AND QUESTIONS

None.

LEGISLATIVE ANALYSIS

***RESOLUTION URGING THE FLORIDA LEGISLATURE TO CONTINUE AND
EXPAND THE HURRICANE SALES TAX HOLIDAY***

Senator Javier D. Souto

I. SUMMARY

The resolution urges the Florida Legislature to continue the hurricane sales tax holiday, and to expand it to include additional hurricane materials.

In the 2005 Session, the Florida Legislature granted a 12-day sales tax holiday for certain hurricane related supplies and materials. The fiscal impact to state revenues was estimated at \$7.6 million, and a fiscal impact of \$1.7 million to local governments. An expanded sales tax exemption would increase the impact of the hurricane sales tax holiday to state and local governments.

II. PRESENT SITUATION

In the 2005 Session, the Florida Legislature enacted HCB 6001, which granted a 12-day sales tax holiday for certain hurricane related supplies and materials. The holiday began on June 1, to coincide with the start of hurricane season, which runs from June 1 through November 30.

The exempt items included: portable self-powered lights, portable self-powered radios, flexible waterproof sheeting, first aid kit, ground anchor or tie-down kits, gas or diesel fuel tanks, batteries, coolers, and portable generators, all under certain prices.

III. POLICY CHANGE AND IMPLICATION

The resolution maintains County policy to support sales tax holidays to facilitate hurricane preparedness.

The resolution also urges an expansion of the sales tax exemption to include more expensive materials, such as hurricane shutters, wind-resistant windows, plywood, and building materials for hurricane safe rooms.

The purchase of some items, such as plywood and other building materials, can be intended for many other purposes, yet the purchaser can claim them as intended for hurricane preparedness.

IV. ECONOMIC IMPACT

A continuation of the 2005 hurricane sales tax holiday in 2006 would have approximately the same fiscal impact as the 2005: \$7.6 million to the state and

BCC ITEM 11(A)(1)

November 3, 2005

\$1.7 million to local governments. An expansion of the holiday to include additional supplies or materials would increase the fiscal impact.

V. COMMENTS AND QUESTIONS

The Florida Legislature will convene in March 2006. Recently filed bills, SB 24 and HB 47, provide for an expanded hurricane preparedness sales tax holiday. The bills keep the 12-day holiday, and include a few additional exempt items: cell phone batteries and chargers, and certain building materials, consisting of plywood and hardware, all under certain prices. The bills provide penalties for the tax exempt purchase of certain building materials by construction companies, building contractors, or other commercial entities.

LEGISLATIVE ANALYSIS

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT A GRANT PROGRAM FOR 311 NON-EMERGENCY POLICE AND OTHER GOVERNMENT SERVICES TELEPHONE SYSTEMS

Chairman Joe A. Martinez and
Commissioner Dennis C. Moss

I. SUMMARY

The resolution urges the Florida Legislature to enact a grant program for 311 non-emergency services.

In 2001, a two-year pilot program allowed Miami-Dade County to use proceeds from the 911 fee for a 311 system. A 311 Statewide Coalition of counties and cities, which includes Miami-Dade County, is developing a legislative proposal for a Florida Non-Emergency Telephone Act, which includes a matching grant program.

II. PRESENT SITUATION

In 1997 the Federal Communications Commission reserved the 311 telephone number for the public to reach **non-emergency** police and other government services. The primary objectives of a 311 system are to reduce non-emergency calls to the 911 system and to provide the community easy access to government services.

In 2001, a two-year pilot program allowed Miami-Dade County to use over \$2 million in proceeds from the 911 fee for a 311 system. The County obtained capital financing for the 311 Answer Center through bonds for over \$18 million. The total project cost for the 311 center is over \$20 million, and the operating costs for FY 04-05 are almost \$6 million.

The Miami-Dade 311 Answer Center is housed under the Chief Information Officer. The Answer Center provides answers in English, Spanish and Creole, 5 days a week, Monday through Friday, 8 am-8 pm, and provides 24-hour information during emergency events such as hurricanes. For more information, please refer to the recent County publication "311: Your Direct Line to Local Government Service" (revised July 2005).

III. POLICY CHANGE AND IMPLICATION

The resolution maintains County policy to provide 311 non-emergency telephone service to the public.

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

The Florida Legislature will convene in March 2006. Recently filed bills, SB 156 and HB 249, appropriate \$5 million from general revenue to the Agency for Health Care Administration for the expansion of the Florida 211 Network, which serves as the single point of coordination for information and referral for health and human services.

A 311 Statewide Coalition of counties and cities, which includes Miami-Dade County, is developing a legislative proposal for a Florida Non-Emergency Telephone Act. The draft legislation includes a matching grant program administered by the Florida Department of Community Affairs, and an initial appropriation of \$10 million. This draft legislation has not yet been filed.

Attachment: draft legislation from 311 Statewide Coalition

A bill to be entitled
An act relating to 311 non-emergency
~~police~~ and other governmental services
telephone systems; creating s. 365.180,
F.S.; authorizing the Department of Community
Affairs to accept and administer funds to
provide grants for 311 non-emergency
~~police~~ and other governmental services
systems; providing for eligibility; providing
definitions; providing standards for matching
state funds; limiting the maximum amounts of
grants; granting rulemaking authority to the
department; providing an effective date.

WHEREAS, in 1997 the Federal Communications Commission
authorized the use of 311 as a telephone number for "non-
emergency police and other governmental services"; and

WHEREAS, in 2001 the Legislature authorized a 311 pilot
project in Chapter 2001-133, Laws of Florida, to improve
the overall efficiency of 911 telephone systems and reduce 911
emergency response times; and

WHEREAS, ~~five~~ several counties and ~~cities~~ municipalities in
Florida have thus far implemented 311 telephone systems that
provide a single access point to non-emergency ~~police~~ and other
governmental services; and

WHEREAS, 311 alleviates congestion on 911 circuits and helps
make 911 emergency systems more efficient by diverting non-
emergency calls that could impede emergency responses; and

WHEREAS, 311 has proven to be critical during hurricanes and
other emergency situations and disasters by diverting many calls
from 911 emergency systems and keeping 911 open and available for
truly life-threatening situations; and

WHEREAS, 311 provides important information not only to citizens, but to government by providing data about the source of and the reasons for calls; and

WHEREAS, 311 can be most valuable when ~~cities~~ municipalities, counties and other state and local jurisdictions coordinate efforts to provide an integrated, seamless single source for non-emergency ~~police~~ and other governmental services; and

WHEREAS, 311 systems could provide mutual aid to neighboring areas by serving as back-up call centers under circumstances where disaster may disable local city or county communication networks; and

WHEREAS, 911 was established in section 365.171(2)F.S., "to provide rapid direct access to public safety agencies" and 211 was established in section 408.918(1) F.S., to "serve as the single point of coordination for information and referral for health and human services";

NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 385.180, Florida Statutes, is created to read:

385.180 Coordinated 311 non-emergency ~~police~~ and other governmental services telephone system grant program; grants for operation; funding; approval; allocation.--

(1) The Legislature finds that a 311 telephone system for non-emergency police and other governmental services may reduce the volume of non-emergency calls to 911 Public Safety Answering Points, particularly in times of a disaster. The Legislature finds that coordinated 311 telephone systems for non emergency police and governmental services is an important part of a 911 emergency telephone system by reducing the volume of non-emergency calls to 911, particularly in times of disaster. The Legislature further finds that 311 systems improve public access to government by providing seamless access to various governmental entities, enhance coordination among state and various local jurisdictions, and improve service delivery.

(2) The ~~Division of Emergency Management of the~~ Department of Community Affairs may accept and administer funds that are appropriated to it for providing grants to counties and municipalities for the operation of a coordinated 311 non-emergency police and other governmental services telephone system.

(3) A county or municipality may apply for a grant of state funds to support the implementation and operation of a coordinated 311 non-emergency police and other governmental services telephone system.

(4) A state grant awarded under this section must be matched by a contribution from the county or municipality in an amount equal to \$1 for each \$1 awarded under this section.

(5) The Department of Community Affairs ~~Division of~~
~~Emergency Management~~ shall review each application for a grant by
a coordinated 311 non-emergency ~~police~~ and other governmental
services telephone system which is submitted under subsection (3)
and shall submit annually for approval to the Secretary of the
Department of Community Affairs a list of all applications
received and a list of the systems that are recommended for the
award of grants, arranged in order of priority. The department
~~division~~ may allocate grants only for coordinated 311 non-
emergency ~~police~~ and other governmental services telephone system
that are approved by the secretary or for which funds are
appropriated by the Legislature.

(6) As used in this section, the term "coordinated 311
non-emergency ~~police~~ and other governmental services telephone
system" means a 311 system that is multi-jurisdictional in
nature such that it is designed to provide seamless access to
non-emergency ~~police~~ and other governmental services. ~~across a~~
~~county and no less than one city.~~

(7)(a) The annual amount of a grant made under this section
may not exceed the lesser of \$2.5 million or 50 percent of the
total annual cost of operating the coordinated 311 non-emergency
~~police~~ and other governmental services telephone system. The
total amount of the grants awarded to a coordinated 311 non-
emergency ~~police~~ and other governmental services telephone system
in a 5-year period may not exceed \$10 million.

(8) No later than December 15, 2007, each 311 system that receives funding under this subsection shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives detailing expenditure of the funds appropriated to it for the purposes of this section.

(9) The Department of Community Affairs may adopt rules prescribing the criteria to be applied to applications for grants and rules providing for the administration of this section.

Section 2. For fiscal year 2006-2007, the sum of \$10 million is appropriated from the General Revenue Fund to the Department of Community Affairs to fund the coordinated 311 non-emergency ~~police~~ and other governmental services telephone system grant program.

Section 3. This act shall take effect July 1, 2006.

LEGISLATIVE ANALYSIS

RESOLUTION URGING THE FLORIDA LEGISLATURE TO REQUIRE NURSING HOMES AND ASSISTED LIVING FACILITIES TO SEARCH THE SEXUAL OFFENDER AND SEXUAL PREDATOR REGISTRIES AND REQUIRE CRIMINAL BACKGROUND CHECKS PRIOR TO ADMITTING NEW RESIDENTS; TO REQUIRE FDLE TO PROVIDE CERTAIN CRIMINAL HISTROY BACKGROUND CHECKS AT NO COST; URGING THE FLORIDA LEGISLATURE TO ESTABLISH CRITERIA FOR REJECTING PROSPECTIVE RESIDENTS DUE TO CRIMINAL CONVICTIONS

Commissioner Rebeca Sosa

I. SUMMARY

The proposed Resolution

1. urges the Florida Legislature to introduce legislation requiring new residents of nursing homes and assisted living facilities in the state of Florida to undergo background checks before admission;
2. urges the Florida Legislature to instruct the FDLE to provide for not-for-profit nursing homes and not-for-profit assisted living facilities criminal history background checks at no cost (*added since the October 12, 2005 COSHAC meeting*);
3. urges the Florida Legislature to introduce legislation establishing procedures for denying an applicant's admittance to nursing homes or assisted living facilities based on a criminal conviction;
4. directs the County's state lobbyist to advocate for such legislation and the Office of Intergovernmental Affairs to include item in the 2006 legislative package; and
5. directs the Clerk of the Board to transmit a certified copy of this resolution to the chair and members of the Miami-Dade County Legislative Delegation.

II. PRESENT SITUATION

Currently, state law requires sexual offenders and sexual predators to register with the Florida Department of Law Enforcement and provide their living address; however, there is no legislation that deals specifically with sexual offenders or predators in nursing homes or assisted living facilities.

In a recent national study, Florida is listed as having a total of 58 registered sex offenders residing in nursing homes, ranking them as number 5 among states with registered sex offenders (*Predators in America's Nursing Homes, A Perfect Cause, 2005*).

III. POLICY CHANGE AND IMPLICATION

The purpose of this resolution is to communicate to Florida Legislature the concerns of Miami-Dade County and to direct County staff to coordinate lobbying efforts in hopes that legislation will be enacted to protect one of society's most vulnerable groups, individuals residing in nursing homes and assisted living facilities.

BCC ITEM 11(A)(3)

November 1, 2005

This Resolution also urges the Florida Legislature to require the Florida Department of Law Enforcement to provide the necessary criminal history background checks of prospective residents free of charge to not-for-profit nursing homes and assisted living facilities.

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

During the 2005, Florida Legislative Session, Senator Durell Peaden sponsored SB 524 requiring nursing homes and assisted living facilities to search sexual predator and sexual offender registries before admitting new residents. SB 524 died at committee level and as of this date no similar bill has been introduced.

Note, attached is the Miami Herald, November 26, 2004, article regarding the 83-year old repeat offender charged with raping a 77-year old comatose woman while residing in a Jacksonville nursing home.

BCC ITEM 11(A)(3)

November 1, 2005

This Resolution also urges the Florida Legislature to require the Florida Department of Law Enforcement to provide the necessary criminal history background checks of prospective residents free of charge to not-for-profit nursing homes and assisted living facilities.

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

During the 2005, Florida Legislative Session, Senator Durell Peaden sponsored SB 524 requiring nursing homes and assisted living facilities to search sexual predator and sexual offender registries before admitting new residents. SB 524 died at committee level and as of this date no similar bill has been introduced.

Note, attached is the Miami Herald, November 26, 2004, article regarding the 83-year old repeat offender charged with raping a 77-year old comatose woman while residing in a Jacksonville nursing home.



Paper: Miami Herald, The (FL)
Title: DCF AT FAULT IN RAPE CASE?
Date: November 26, 2004

A **nursing home** where an 83-year-old repeat sex **offender** was charged with raping a resident is blaming the state Department of Children & Families for saying the man was not a threat.

The rape victim's family members are suing Southwood **Nursing** Center, alleging they should have been notified that convicted sex **offender** Ivey Edwards was living there.

Southwood's lawyers asked a judge Monday to allow them to bring DCF **in** as a third party to the lawsuit. It notified the department of its intent to do so, a requirement of Florida law.

"The department . . . assessed and advised our clients that Mr. Edwards posed no threat of harm to others," attorney Trevor Hawes wrote to DCF.

DCF MUM

DCF spokesman Tom Barnes said he couldn't talk about the Edwards case, but he said the department doesn't do criminal background checks on elderly clients unless it has some reason to believe the person might engage **in** predatory or felonious behavior.

Edwards has a criminal record dating back to 1945, including convictions **in** the 1960s for molesting a child **in** Jacksonville and **sexual** assault **in** Sarasota, according to the Florida Department of Law Enforcement.

He was living **in** a Gainesville homeless shelter **in** 2002 when a judge there determined him to be a vulnerable adult and ordered him into DCF custody. He was placed at Southwood at DCF's request.

COMATOSE WOMAN

Shortly after he arrived, he was found raping a comatose 77-year-old woman **in** her room, according to Jacksonville police. He was charged with **sexual** battery, but a judge found him incompetent to stand trial and sent him to Florida State Hospital **in** Chattahoochee.

The victim died a year ago of unrelated causes. Her family sued Southwood for failing to protect her.

The **nursing home** denies the family's claims but said it could have taken steps to prevent the alleged harm had DCF notified it of the potential danger. DCF has until May 19 to respond to Southwood's intent letter.

Jeff Morrow, attorney for the victim's family, said DCF's potential involvement **in** the case "doesn't affect us at all because our focus is still on the **nursing home** and their failure to protect our client." The family also is lobbying for legislation that would require **nursing homes** to notify residents and their families when convicted sex **offenders** are living among them.

State Sen. Durell Peaden, R-Crestview, said he submitted the legislation Tuesday to be drafted. Peaden chairs the Senate's Health, Aging and Long-Term Care Committee.

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*Author: Associated Press
Section: Broward & State
Page: 8B
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Paper: Miami Herald, The (FL)
Title: LET YOUR VOICES BE HEARD
Date: April 21, 2005

In the last couple of weeks we have been discussing ways we can protect our children from **sexual** predators and **offenders**. We have discussed the different areas that can affect our children, be it talking to strangers or chatting on the Internet. **Sexual** predators and **sexual offenders** know how to target our children. That is their daily focus: how and when they can reach out to grab their next victim.

There is one more step that we can take to protect our children and that is through the legislative process. As you sit reading this article, our senators and representatives, along with the governor, are in Tallahassee figuring out ways to make this state better. For 60 days, their role is to bring into focus laws and budgets that will make an impact on our community. Being a former city council member for Hialeah and a legislative assistant to state Sen. Rudy Garcia in 1987, I know the task they have is difficult. Do I agree with everything they do? Of course not. But for the majority of the issues, they really try to do their best.

You as a resident of this county and this state can help them make the best decisions by contacting them and letting them know how you feel regarding some of the laws or funding they are implementing. You can find your senator and representative by looking at your voter registration card. Miami-Dade County has 27 representatives in Tallahassee - and that is a lot of strength, when they work as a team.

At hand we have several laws that refer to **sexual** predators/**offenders**. There are several bills, such as, House Bill 1877CS, known as the "Jessica Lunsford Act." One of the proposed acts would require lifetime electronic monitoring for certain **offenders**. Another vital bill is House Bill 451CS, the "Forcible Felony Violators" bill, a companion to Senate Bill CS/SB 608, known as the "Anti-Murder Act" sponsored by Sen. Garcia. One of the highlights of this bill is to deny bail or any form of pretrial release to forcible felon violators in certain circumstances, after review, making sure they do not pose a danger to the community. This proposed legislation can really make a difference in dealing with **sexual** predators/**offenders**.

Both of these bills are being supported by several of our Miami-Dade legislators and I applaud them for their action.

Then you have one that has been a great concern to me for many years: Senate Bill 524, relating to assisted living facilities and **nursing home** residents. This bill at present does not have a companion on the House side, so, unless a representative introduces it, there will likely be no action. But the bill is very important because it will require **nursing homes** and assisted living facilities to search the **sexual** predator registries before admitting new residents. It would require that admission be denied to **sexual** predators/**offenders**.

At present, the **sexual** predators/**offenders** are allowed to be admitted to ALFs and **nursing homes**. But we all know that elderly residents are the most vulnerable, especially when they have to depend on these facilities. Why the state places **sexual** predators/**offenders** in these facilities is beyond my comprehension. Does the state think they will not abuse the elderly? We all know that the elderly, like children, will not report incidents because of fear.

So this is a law that needs immediate attention and your calls are needed. There is only a few weeks left before the legislative session ends, therefore we need to take action on some of these proposed laws, be it calling your legislator or the governor's office. We can make a difference. It is our obligation if we want to protect our most precious, the elderly and our children. Let's show our elected officials that we do care. Contact them today.

For more information, you can visit MyFlorida.com to find your legislators' local phone number. Or call the Citizens Crime Watch of Miami-Dade office, 305-470-1670, and we will give it to you.

Carmen Caldwell is the executive director of the Citizens' Crime Watch of Miami. Send feedback and news for this column to her, cmcwatch@aol.com.

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ADDITIONAL INFORMATION

<u>Item#</u>	<u>Subject Matter</u>	<u>Comments/Questions</u>																														
7(G)	TJIF Program	<p>The current Living Wage Rate as defined in Section 2-8.9 of the Code of Miami-Dade County, as of October 1, 2005, is \$9.81 per hour with qualifying health benefits valued at least \$1.42 per hour, otherwise \$11.23 per hour.</p> <p>This Ordinance requires companies to pay employees no less than the Living Wage Rate in order to participate in the Targeted Jobs Incentive Program (TJIF.) Currently, there is no way of ensuring that jobs created by the TJIF Program provide above average wages.</p> <p>The TJIF Program is an initiative by The Beacon Council and Miami-Dade County patterned after the State of Florida Qualified Target Industry Tax Refund Program (QTI.) The QTI Program’s intent is to attract relocating out-of-area businesses and encourage expansion of existing local companies by providing cash incentive awards.</p>																														
8(A)(1)(A)	Extension of consulting services agreement between the County and the Center for Airport Management (CAM)	<p>Amount of compensation: \$200,000</p> <p>What type of services has CAM provided during the current calendar year?</p> <p><i>The following list, provided by the Aviation Department, outlines the specific types of services performed by CAM during the past year:</i></p> <table><tr><th>KEY DELIVERABLE</th><th>DATE</th></tr><tr><td>Phone Card Survey and Industry Analysis</td><td>12/28/2004</td></tr><tr><td>Responding to Proposal PowerPoint Presentation</td><td>12/29/2004</td></tr><tr><td>CAM 2005 Task Schedule</td><td>1/10/2005</td></tr><tr><td>Term Sheet Review - Prestige Pens</td><td>1/10/2005</td></tr><tr><td>Concessions Plan PowerPoint Presentation</td><td>1/13/05</td></tr><tr><td>Term Sheet Review - Hudson News</td><td>2/1/2005</td></tr><tr><td>Term Sheet Review - \$10 Boutique</td><td>2/1/2005</td></tr><tr><td>Term Sheet Review - Brookstone</td><td>2/1/2005</td></tr><tr><td>Airport Survey of Club Room Operators</td><td>3/10/2005</td></tr><tr><td>Clubroom Existing Conditions Report</td><td>3/10/2005</td></tr><tr><td>ATM Banking Industry Analysis and Exhibits</td><td>3/22/2005</td></tr><tr><td>Multi-Airline Clubrooms Industry Analysis</td><td>4/11/2005</td></tr><tr><td>MIA BANK ATM RFP Research and Analysis</td><td>4/18/2005</td></tr><tr><td>North South Repackaging Review and Analysis</td><td>5/18/2005</td></tr></table>	KEY DELIVERABLE	DATE	Phone Card Survey and Industry Analysis	12/28/2004	Responding to Proposal PowerPoint Presentation	12/29/2004	CAM 2005 Task Schedule	1/10/2005	Term Sheet Review - Prestige Pens	1/10/2005	Concessions Plan PowerPoint Presentation	1/13/05	Term Sheet Review - Hudson News	2/1/2005	Term Sheet Review - \$10 Boutique	2/1/2005	Term Sheet Review - Brookstone	2/1/2005	Airport Survey of Club Room Operators	3/10/2005	Clubroom Existing Conditions Report	3/10/2005	ATM Banking Industry Analysis and Exhibits	3/22/2005	Multi-Airline Clubrooms Industry Analysis	4/11/2005	MIA BANK ATM RFP Research and Analysis	4/18/2005	North South Repackaging Review and Analysis	5/18/2005
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BCC

November 3, 2005

<u>Item#</u>	<u>Subject Matter</u>	<u>Comments/Questions</u>
		<u>Miscellaneous Packaging Issues Memo and Various Packaging Suggestions</u> 7/6/2005 <u>Premier Location Analysis</u> 7/25/2005 <u>South Terminal Sizing Analysis</u> 7/26/2005 <u>Open Concepts Issues</u> 8/9/2005 <u>MIA Local Regional Trends Report</u> 8/19/2005 <u>Concept Narrative Descriptions for South Terminal Retail RFP</u> 9/9/2005 <u>MIA Rents Review Memo</u> 9/30/2005 <u>Percent Rent Paid at other Airports Summary</u> 9/30/2005
8(M)(1)(A)	Black Creek Jetty	The County currently has a grant from the Land and Water Conservation Fund for \$200,000 for improvements to the jetty at Black Point Park. This grant is for renovations to the County's portion of the trail, including fishing platforms, service station and a canoe launch. The cost of improvements for the .5 mile segment of the jetty will be \$400,000. Park and Recreation staff estimates the cost of maintenance of the improvements at approximately \$45,000 per year.